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ACCOUNT #04-1700 #4
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DUNLAP & CODDING, P.C.

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/697,557	
	Filing Date	10/26/2000	
	First Named Inventor	Charles C. Freeny, Jr.	
	Group Art Unit	2131	
	Examiner Name	Unknown	
Total Number of Pages in This Submission	14	Attorney Docket Number	2551.049

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	SEE REMARKS
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	1. Information Disclosure Statement (8 pgs) 2. Information Disclosure Statement by Applicant PTO/SB/08A & 08B - w/ copies of cited references (4 pgs) 3. Fee Transmittal for FY 2001 PTO/SB/17 (1 pg) 4. Fee Transmittal PTO/SB/21 (1 pg) 5. Self-addressed, stamped return receipt postcard 6. Authorization to charge indicated fees and credit any overpayment to Deposit Account 7. 8.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Dunlap, Coddington & Rogers, P.C., 9400 North Broadway, Suite 420, Oklahoma City, OK 73114 Marc A. Brockhaus, Reg. No. 40,923
Signature	Marc Brockhaus
Date	3-27-2001

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail or U.S. Express mail no. in an envelope addressed to the address below on this date: 03/27/2001	
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Date	3-27-2001

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 0)

Complete if Known

Application Number	09/697,557
Filing Date	10/26/2000
First Named Inventor	Charles C. Freeny, Jr
Examiner Name	Unknown
Group Art Unit	2131
Attorney Docket No.	2551.049

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METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number
04-1700Deposit Account Name
Dunlap, Coddling & Rogers, P.C.

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	= 0
Multiple Dependent	- 3** =	X	= 0

Large Entity Small Entity

Fee Fee Fee Fee
Code (\$ Code (\$ Code (\$ Code (\$)

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 0)	

SUBMITTED BY

Name (Print/Type)	Marc A. Brockhaus	Registration No. (Attorney/Agent)	40,923	Telephone	(405) 478-5344
Signature	Marc Brockhaus	Date	03/27/2001		

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0320-0230 (Gp 2)

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PATENT
ATTY. DKT. NO. 2551.049

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Charles C. Freeny, Jr.
Serial No.: 09/697,557
Filed: October 26, 2000
For: **PROXIMITY SERVICE PROVIDER
SYSTEM**

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) Art Unit: 2131
)
)
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5/24/01

Box IDS
Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. [X] Preliminary Statements
2. [X] Forms PTO/SB/08A and 08B (formerly Form PTO-1449)
3. [X] Statement as to Information Not Found in Patents or Publications
4. [X] Identification of Prior Application
5. [X] Copies of Listed Information Items Accompanying this Statement
6. [X] Identification of Person(s) Making this Information Disclosure Statement



Applicant: Charles C. Freeny, Jr.
Title: **PROXIMITY SERVICE PROVIDER SYSTEM**
Serial No.: 09/697,557
Atty. Dkt. No.: 2551.049

Section 1. Preliminary Statements

Applicant submits herewith patents, publications or other information of which he is aware, which he believes may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)

☒ [X] A completed Form PTO/SB/08A and/or Form PTO/SB/08B is attached hereto.

Section 3. Statement as to Information Not Found in Patents or Publications (Information Not Listed in Form PTO-1449)

The present invention relates to methods for selling, authorizing, collecting, distributing payments, and maintaining proximity services from a central location wherein the proximity services are provided at remote locations. More particularly, but not by way of limitation, the present invention relates to a proximity service provider system (PSPS) that allows users of Proximity service systems to sign up for the service, operators of proximity service systems to receive maintenance information, and owners of proximity service systems to get paid without having to have separate communication networks and methods to obtain these separate services. Proximity service systems require a person to be within predetermined close distances, such as 200 feet, to the proximity service systems in order to receive a service therefrom. Examples of proximity service systems are physical POS stations, ATM machines, toll gates, gas pumps, kiosks, pay phones, vending machines and parking meters to name a few.

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Problems to be Solved:

The problems to be solved are related to the proximity services for such proximity service systems as kiosk machines, vending machines, ATM's and toll and access systems being implemented for the convenience of the mobile consumer. Most of these proximity service systems have their own special activation devices and methods of payment and means for the operators to maintain the proximity service systems. In most cases these proximity service systems are either operated by coins or cards of some type. Wireless activation devices, such as toll tags, gate and garage openers are often used when vehicles are involved. Except for credit card payments, most proximity service systems have their own activation and payment means and will not operate with other activation and/or devices. Even in the case of credit card payment methods, both consumers and owners are obliged to carry or accept many types of cards (e.g. Visa, MasterCard, American Express, Discover, Diners Club, plus five merchant cards, plus five gas cards for a total of 15 cards is typical). Also, the means for authorizing and collecting for these proximity service systems are typically done over networks designed separately for the owner.

In recent years there have evolved service companies servicing merchants that accept most credit and debit cards and can even authorize check payments. These services certainly help both the consumer and merchant and have facilitated more proximity service growth. However, the available authorization and collection services are only directed at retail POS systems (both physical and cyber services) and they do not let a consumer sign up for the service but only collect payment for the merchant from the consumer's card.

Another recent system for universal credit is called "Proton" (the details are at www.proton.be), which uses a smart card to pay at the merchants site once the card has been verified to be valid. However, this is just a replacement for the credit card and requires the customer to carry cash in the card rather than the merchant and credit card company giving credit to the customer for 30 days. The smart card is good for merchants but not so good for customers. There are several virtual credit cards a person can apply for to make purchases in cyber stores, similar to card services that allow purchases in physical stores but they can not be used in physical stores and again, the person registers for the cyber card, not for a service.

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In summary, regarding the prior art credit card payment and collection systems, consumers have to sign up for cards of some type and hope merchants accept the cards they have. That is, the consumer does not sign up for the service, they sign up for a device. Also the technology has made it so easy for each merchant to have a card or device system for offering "purchase points" as a way of attracting repeat business, the proliferation of devices carried by the consumer is huge. The number of cards total into the thousands in this country alone, when regional merchants cards are included. But again, the consumer actually signs up for a card or device that allows them to receive the service, they do not sign up for the service itself.

With other types of proximity service systems such as toll tags, gate and garage access, vehicle access using wireless activators and payment methods, virtually no commonality exists. Combining these devices with the new wireless communication device revolution involving cell phones, pagers, and now, hand held wireless digital devices, a consumer is faced with a formidable array of physical devices (along with remembering their authorization codes) when leaving the home prepared to function each day. The means to service all of these devices with a common approach has not ever been attempted except in futuristic concepts such as the "piano software platform" Motorola announced this year involving the development of a software platform so wireless devices could operate on a network such as the Internet in the future.

There are several reasons proximity service provider systems have not been designed before now, but probably the main reason is that owners of these various systems, such as the tolling authorities, parking garage owner, paging company, cell and pager communication operators, are primarily trying to increase their customer bases by offering more services. They are not working to solve the commonality problems with other services, as the credit card industry did. Commonality problems exist in terms of devices, activation methods, collection methods, marketing, maintenance, and operation procedures for the various services. The FCC regulations, of course, help in terms of device signal commonality, but not regarding the styles, activation, payment, and collection means across the wireless device utilization spectrum. All of the other commonality problems have barely been addressed in the proximity service industry other than adopting credit card payment methods into most collection systems.

A number of specialized service systems designed for owners of the proximity systems such as vending machines connected by networks like the Denmark company "DIKU" that connected a coke machine to the Internet so the owners could check the sales

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and inventory status from a web-site (1997 time frame). Another example is the "Harvest system" (can be reviewed at www.harvest.com) designed for the Coca Cola Company starting in 1990 to monitor their machines in terms of sales and inventory over a private network. More recently on-line vending in the UK have networks being established similar to harvest .com run by GPT Telemetry whereby an owner can connect his vending machine and obtain data regarding sales. There have been parking lots and meter electronic management systems designed that use various collection and maintenance means for the owners but none that offer a parking lot or meter service for the consumer (other than issuing access cards). The same is true in the electronic lock industry where all the service systems are designed privately for the owners and not the consumers. The leaders in this field primarily involve hotel systems that issue electronic door keys to new customers.

The above problem discussion has focused primarily on the fact that today, consumers can only sign up for devices (physical or virtual) not services, even though the person only wants a service. This is true even in the case of access services such as automatic toll gates, hotel rooms, subway debit cards, etc. There are similar problems and disparities when the focus is on the operating costs the owners have because they force the customer to use special activation and payment means rather than accept common devices or methods. This has hampered the vehicle access systems for years because authorization, activation and payment methods have not been common among the operating systems. Thus, not only is it very inconvenient for the customer, the cost of operation has remained very high because service companies can not make a profit operating the various access systems for the owners. Consequently, there are hardly any service companies (other than the individual owners) that the owners and operators of these other proximity service systems can use to lower their cost, as for example, in the POS systems discussed above. Thus in all cases: 1.) the consumer can only sign up for more devices if they want more services; 2.) for services other than POS, the owners cannot even sign up for the collection service except using specialized collection systems designed for devices such as toll tags or gate and parking cards; and 3.) the operators of the proximity service systems have no service center for maintenance and inventory control other than those specialized for the owners centered around collections.

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Prior art:

Some of the prior art for services involving the consumer, owner or the proximity system operator were reviewed in discussing the problem. An apparatus and methods for monitoring and communicating with a plurality of networked remote vending machines is disclosed by Konsmo in Patent No. 5,844,808, to help owners monitor the state of their remote vending systems. However, this system does not allow customers to sign up for proximity services supplied by the owners.

A system described by Gomm in Patent No. 5,753,899 allows smart cards to be accepted at owner vending machines and can be used entirely for the purchase or to supplement the customer's coins by rounding the machine up or down to the closest amount accepted by the machine for the selected item.

Yet another payment system for cards is disclosed by Muehlberger in Patent No. 5,285,382, where the system only validated remotely for transactions exceeding \$2.00. The less than \$2.00 fraudulent transactions were considered to be acceptable by the owner in favor of not having to get remote approval for every transaction.

A networked parking meter system is disclosed in Patent No. 5,648,906, wherein a vehicle was sensed automatically and a meter would be reset, for example, when the vehicle left the parking space.

Again, none of the cited art discussed systems that allow both the owner of proximity service systems and the customer to sign up for services and/or allow local transactions to be validated locally by fraudulent detecting means. The state of the art for networked services to help more than one participant is best described in Fortune magazine September 1999 on pages 215 - 224, wherein a summary of services for both hardware operations and software operations that can be obtained today or will be available in the near future were listed. The list is not complete, but does indicate that web based services for application software, "Rent-AN-App" and "Rent a Whole Service" are just emerging and range from rent a software program to a service for purchasing products for companies. The closest service available on the published list to the type disclosed herein is that of Bidcom (www.bidcom.com), in which construction companies services are offered. Bidcom provides information services for employee and managers, such as schedules, blueprints, work permits, etc. associated with a construction project. The cited example, along with the other services listed are nothing more than moving services to the

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WEB, that have been offered inside the company for years in order make access much more convenient and possibly allow out sourcing by companies not wanting to maintain their own internal service. Such changes are certainly steps in the right direction, but do not address the problems discussed above.

Web-site services for finding and purchasing products and services abound on the web, but most sites do nothing more than move physical stores and services to the cyber world. In fact, most web-sites do nothing more than convert a lot of proximity services, such as retail stores, to non proximity services so that the consumer does not have to be within a predetermined distance of the service to purchase a product and/or get the service. This explains, in part, the rapid growth of cyber stores, because this conversion in itself is a huge convenience for the consumer.

Section 4. Identification of Prior Application

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 60/161,883, filed on 10/27/1999 (date).

[X] This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior application Serial No. 60/186,874, filed on 03/03/2000 (date).

Section 5. Copies of Listed Information Items Accompanying this Statement

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information disclosure statement.



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Section 6. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT

The person making this statement is the attorney who signs below on the basis of the information:

- ☒ supplied by the inventor(s)
- ☐ supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)).
- ☒ in the attorney's file

Respectfully submitted,

Marc Brockhaus
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